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**Attorneys for Plaintiff Entropic
Communications, LLC**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ENTROPIC COMMUNICATIONS,
LLC,

Plaintiff,

v.

COX COMMUNICATIONS, INC., *et*
al.,

Defendants.

Case No. 2:23-cv-1049-JWH-KES
(Lead Case)

Case No. 2:23-cv-01050-JWH-KES
(Related Case)

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF ENTROPIC
COMMUNICATIONS, LLC'S
MOTION TO DISMISS COX
DEFENDANTS' AMENDED
COUNTERCLAIMS PURSUANT TO
RULE 12(b)(6)**

Hearing Date: March 29, 2024
Hearing Time: 9:00 a.m.
Courtroom: 9D (Santa Ana)

ENTROPIC COMMUNICATIONS,
LLC,

Plaintiff,

v.

COMCAST CORPORATION, *et al.*,

Defendants.

1 Plaintiff Entropic Communications, LLC (“Entropic”) respectfully requests
2 that the Court take judicial notice of Exhibits A and B attached to this request.

3 Judicial notice of facts is proper where the facts “can be accurately and readily
4 determined from sources whose accuracy cannot reasonably be questioned.” FED. R.
5 EVID. 201(b)(2). Courts may take judicial notice of matters of public record, as well
6 as documents made publicly available where there is no question as to their
7 authenticity. *Lee v. City of L.A.*, 250 F.3d 668, 688–90 (9th Cir. 2001).

8 This request is made in connection with Entropic’s recently filed Motion to
9 Dismiss Cox’s Defendants’ Amended Counterclaims. As detailed in that Motion,
10 Cox Communications, Inc., CoxCom LLC, and Cox Communications California,
11 LLC’s (collectively, “Cox”) counterclaims depend on the Asserted Patents being
12 essential to the DOCSIS License Agreement. Plaintiff asks the Court to take notice
13 of the fact that the District Court for the Eastern District of Texas recently issued an
14 order granting summary judgement that three of the patents asserted in this case (U.S.
15 Patent Nos. 8,792,008, 9,825,826, and 10,135,682) are not subject to the DOCSIS
16 License. *See* Exhibit A at 6–9 (report and recommendation); Exhibit B (order
17 granting report and recommendation).

18 Accordingly, Entropic requests that the Court take judicial notice of the
19 following:

- 20 1. Magistrate Judge Payne’s report and recommendation regarding
21 Entropic’s motion for summary judgement of no license defense based
22 on DOCSIS, attached hereto as **Exhibit A**.
- 23 2. Judge Gilstrap’s Order adopting Judge Payne’s report and
24 recommendation, attached hereto as **Exhibit B**.

25
26 Dated: February 6, 2024

K&L GATES LLP

27 By: /s/ Cassidy T. Young

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